

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

STEVEN A. KEGEL,

Plaintiff,

vs.

BROWN & WILLIAMSON TOBACCO  
CORPORATION; R.J. REYNOLDS  
TOBACCO CO.; *et al.*,

Defendants.

Case No.: 3:06-cv-00093-BES (VPC)

**STIPULATION TO EXTEND TIME FOR  
PLAINTIFF TO FILE HIS OPPOSITION  
TO DEFENDANTS' MOTION TO  
DISMISS PLAINTIFF'S TENTH CLAIM  
FOR RELIEF AND TO REPLY TO  
DEFENDANT'S POINT AND  
AUTHORITIES IN OPPOSITION TO  
MOTION FOR RECONSIDERATION  
[FIRST REQUEST] : ORDER**

Pursuant to Local Rules 6-1 and 7-1, Plaintiff Steven Kegel and Defendants Brown & Williamson Tobacco Corporation, Brown & Williamson Tobacco Corporation Short Term Disability Plan For Salaried Employees; Brown & Williamson Tobacco Corporation Welfare & Fringe Benefit Plan; Retirement Plan For Salaried Employees Of Brown & Williamson Tobacco Corporation and Certain Affiliates; R.J. Reynolds Tobacco Company; Brown & Williamson Tobacco Corporation/Reynolds American Inc. Special Severance Benefits; and RAI Employee Benefits Committee hereby **STIPULATE** and **AGREE** to an additional amount of time for Plaintiff Steven Kegel to file his Opposition to Defendants' Motion to Dismiss

1 Plaintiff's Tenth Claim for Relief and to file his Reply to Defendants' Point and Authorities in  
2 Opposition to Motion for Reconsideration to and including May 18, 2009.

3 Although Plaintiff's counsel have been arduously working on the Opposition and Reply,  
4 due to the complexity of the issues and Plaintiff's counsels' calendars, they are unable to  
5 complete the Opposition and Reply by the current deadline.

6 Plaintiff's counsel, Sean P. Rose, Esq., is also counsel of record for the Plaintiffs' in a  
7 case pending in the Second Judicial District Court of the State of Nevada entitled *Rose v. Hald*,  
8 Case No. CV04-01886. The trial of the *Rose* matter is currently scheduled to begin on June  
9 15, 2009. As a consequence, Mr. Rose has been inundated preparing motions in limine and  
10 oppositions to Defendant's numerous motions in limine and for that trial.

11 The parties state that the present Stipulation for Extension of Time is made in good  
12 faith, not for purpose of delay, and there is good cause for the extension.

13 **ROSE LAW OFFICE**

**MORRIS PICKERING & PETERSON**

14  
15 By: 

By: /s/Suellen Fulstone (with permission)

16 SEAN P. ROSE, ESQ.  
17 Nevada Bar No. 5472  
18 150 Huffaker Lane, Suite 101  
19 Reno, NV 89511  
Attorney for Plaintiff  
Steven Kegel

SUELLEN FULSTONE, ESQ.  
Nevada Bar No. 1615  
Morris Pickering & Peterson  
6100 Neil Road, Suite 555  
Reno, NV 89511  
Attorney for Defendants  
*Brown & Williamson, et al./*  
*R.J. Reynolds Tobacco*  
*Company, et al.*

20  
21  
22  
23 **IT IS SO ORDERED.**

24  
25 

26  
27 LARRY R. HICKS  
28 UNITED STATES DISTRICT JUDGE

DATED: May 4, 2009.